

REMARKS

This paper is responsive to the final Office Action dated March 2, 2006. Claims 1, 2 and 16-18 have been withdrawn from further consideration. Claims 3-15 and 19-24 were examined, all of which were rejected. In the present Office Action, claims 3-15 and 19-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0046064 (hereinafter “Maury”).

Relied Upon Disclosure In Maury Is Not Entitled To Priority Date

At the outset, Applicant notes that the present Office action has not identified (and apparently cannot identify) where the alleged teachings of Maury are present in U.S. Provisional Patent Application Serial No. 60/206,007, which was filed on May 19, 2000 (and which Maury claims the benefit of the filing date under 35 U.S.C. §119(e)). Applicant specifically notes that any Maury disclosure unsupported by U.S. Provisional Patent Application Serial No. 60/206,007 is entitled only to the filing date of Maury (i.e., May 18, 2001). As Applicant’s filing date (i.e., February 1, 2001) is prior to Maury’s filing date, any Maury disclosure that is not supported by U.S. Provisional Patent Application Serial No. 60/206,007 is not prior art to Applicant’s application, under 35 U.S.C. §102(e), and cannot provide a proper basis for rejection of Applicant’s claims under 35 U.S.C. §103(a). A brief review of Maury reveals that various aspects of the disclosure (description and figures) relied upon in the rejection do not appear in U.S. Provisional Patent Application Serial No. 60/206,007. For those rejections where the action relies on a specific Maury passage (e.g., paragraphs [0024], [0025], [0027], [0028], [0037], [0038], [0039] and [0041]), Applicant submits that the corresponding disclosure does not appear to exist in U.S. Provisional Patent Application Serial No. 60/206,007. For at least this reason, the rejections based on Maury that are unsupported in U.S. Provisional Patent Application Serial No. 60/206,007 should be withdrawn.

35 U.S.C. §103(a) Rejections

In rejecting Applicant’s prior arguments, the present Office action, at page 4, states “[i]n particular, Examiner notes that the limitations of ‘defining an actuary-manipulable representation of a rating model, the actuary-manipulable representation including variables, factor tables and calculation sequences of the rating model, the calculation sequences defined in terms of steps

operative on values of the variables and cells of the factor tables,' are taught by the applied reference." Applicant has again examined Maury and while Maury references a "rating model," Applicant can find no reference to an "actuary-manipulable representation of a rating model." The prior Office action, at page 3, cited Maury, paragraphs [0030]-[0033], as teaching an actuary-manipulable representation of a rating model that includes variables, factor tables and calculation sequences. Applicant has repeatedly examined the cited Maury paragraphs and can find no such disclosure. In fact, the quoted passages, contain no description of the Maury rating model. Moreover, Maury Fig. 3, merely provides a block diagram of communications between a customer browser, a web server and an AMS NT server. The diagram is intended to illustrate the communication paths required to provide an insurance quote to a user. While a user enters information through browser 60 to receive an insurance quote, the information entered is specific to the user of the browser and is not information that is used to define an actuary-manipulable representation of a rating model. More to the point, information entered into the Maury rating system is user specific information that is used by the Maury rating model (which is described as a proprietary rating engine developed by Agency Management Systems, Inc. and Lexitech) to provide an insurance quote. As is specifically noted, at Maury paragraph [0032], the Maury rating system is used to calculate premiums in real-time.

The present Office action, at page 4, further states, "Examiner interprets Maury's teachings of '[t]he user data is submitted to a knowledge-based management system module and database, which determine a tier corresponding to the user data and return the tier to the rating engine server. The rating engine server returns the requested quote to the presentation server, which displays the quote for the user' (Maury; paragraph [0011])' and 'rating engine server 48 provides a rating system which allows a front-end provider to utilize Applicative Real-Time Programming (ART) rating to calculate premiums' (Maury; paragraph [0032]), together with Applicant's teachings at paragraph 2 on page 1 of Applicant's Specification (e.g. '[w]hen taken together, the calculation sequence, the variables, and the factor tables (or tables of adjustments) make up a rating model. An insurance company will typically have a rating model for each line of insurance it offers') as teaching these limitations." While factor tables, variables and calculation sequences have been used by actuaries, implementation of program code to execute a rating model based on the information has required a skilled programmer to modify the program code to implement changes in the rating model. However, using conventional techniques, i.e.,

modifying the program code, to update a rating model has generally been inadequate for providing real-time quotes, as the updates may take several days or weeks. According to various aspects of Applicant's claimed subject matter, defining an actuary-manipulable representation of a rating module that includes variables, factor tables and calculation sequences facilitates rapid updates of the rating model.

Further, it is unclear to Applicant how a user submitting data for a quote teaches or suggests defining an actuary-manipulable representation of a rating model that includes variables, factor tables and calculation sequences. As noted above, Maury is silent on how a rating model is defined. Moreover, as noted above, the fact that a rating model may be made up of calculation sequences, variables and factor tables does teach or suggest allowing the rating model to be defined through manipulation of the components by, for example, an actuary. Nor does it teach or suggest transformation of such an actuary manipulable representation into an executable representation for the generation of quotes, based on the rating model. While the Maury system purports to provide real-time insurance quotes, Maury, similar to the prior art discussed above (and in Applicant's background), is directed to a system that would presumably require a relatively high-level of programming expertise for creation and maintenance of a given rating model.

Furthermore, Maury is not directed to a system that employs an actuary-manipulable rating model. Moreover, Maury does not address how a rating model is updated. According to various applications for Applicant's claimed subject matter, an actuary-manipulable rating model is defined and transformed into executable form using automated techniques. As is set forth in Applicant's specification at page 5, lines 2-4, forms suitable for manipulation by business users, for example, actuaries, underwriters, and product managers, etc., are referred to as actuary-manipulable forms, without loss of generality.

With specific reference to Applicant's independent claims 10, 19 and 22, Applicant submits that each of these claims define a rating model to include variables, factor tables and calculation sequences. The factor tables are further defined to have one or more axes bound to respective ones of the variables and the calculation sequences are further defined in terms of

steps operative on values of the variables and cells of the factor tables. Moreover, in claims 10 and 22, the rating model is defined as an actuary-manipulable representation of a rating model.

Applicant respectfully submits that Maury does not define a rating model (or an actuary-manipulable representation of a rating model) that includes variables, factor tables and/or a calculation sequence that is defined in terms of steps operative on values of the variables and cells of the factor tables. In sum, Maury merely describes its rating engine as a proprietary rating engine and is devoid of a description of a rating model utilized by its rating engine or how the rating model is defined and, as such, does not teach or suggest Applicant's claimed subject matter.

In sum, it again appears that the rejection of claims 3-15 and 19-24 is based on impermissible hindsight in view of Applicant's own disclosure, as the rejection does not only take into account knowledge which was within the level of one of ordinary skill at the time the claimed invention was made. For at least the above reasons, independent claims 10, 19 and 22 are allowable over Maury. Furthermore, claims 3-9, 11-15, 20, 21, 23 and 24 are also allowable for at least the reason that they depend upon allowable claims. Additionally, withdrawn claims 1, 2 and 16-18 are also allowable over Maury for most of the reasons set forth above.

In summary, claims 3-15 and 19-24 are in the case. All claims are believed to be allowable over the applied art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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